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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 JUAN MIGUEL ORTIZ CUEVAS,

10 Petitioner,

11 vs.

12 MICHAEL B. MUKASEY, et al.,

13 Respondent.

Civil No. 08-1520 DMS (LSP)

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

14 Petitioner, a detainee in the custody of the Department of Homeland Security, Bureau of
15 Immigration and Customs Enforcement, proceeding pro se, filed a Petition for Writ of Habeas
16 Corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has not moved
17 to proceed in forma pauperis.

18 A Petition for Writ of Habeas Corpus must either be accompanied by a \$5.00 filing fee
19 or an application to proceed in forma pauperis. See Local Rule 3(a), 28 U.S.C. foll. § 2254. If
20 Petitioner wishes to proceed with this action he must submit a copy of this Order with the
21 requisite \$5.00 fee or adequate proof he cannot pay the fee **no later than October 22, 2008.**
22 **The Clerk of Court is directed to send Petitioner a blank request to proceed in forma pauperis**
23 **form.**

24 **IT IS SO ORDERED.**

25 DATED: August 21, 2008

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28 HON. DANA M. SABRAW
United States District Judge